

# **DRINKING WATER & WASTEWATER PROFESSIONALS**

## **Bureau of Occupational Licenses**

700 West State Street, P.O. Box 83720

Boise, ID 83720-0063

### **Board Meeting Minutes of 11/4/2015**

**BOARD MEMBERS PRESENT:** Barry N. Burnell - Chair  
Dr. Joan M. Cloonan  
John R. Lee  
Bryan A. Lacy  
Michael W. Shepherd  
Daniel J. Messier

**BOARD MEMBERS ABSENT:** Brad Don Andersen

**BUREAU STAFF:** Tana Cory, Bureau Chief  
Dawn Hall, Administrative Support Manager  
Lori Peel, Investigative Unit Manager  
Maurie Ellsworth, General Counsel  
Eric Nelson, Board Prosecutor  
Kellie LaBonte, Technical Records Specialist

**OTHERS PRESENT:** Jackson R. Jolley, Webb Landscape, LLC  
Tabby Jolley  
Shelley Roberts, Idaho Rural Water Association  
Hank O'Krakel, City of Nampa

The meeting was called to order at 8:30 AM MST by Barry N. Burnell.

### **BOARD MEMBER INTRODUCTION**

The Board welcomed Mr. Michael Shepherd and Mr. Daniel Messier and thanked them for their willingness to serve on the Board.

### **APPROVAL OF MINUTES**

Dr. Cloonan made a motion to approve the minutes of 8/5/2015. It was seconded by Mr. Lee. Motion carried.

### **LEGISLATIVE REPORT**

Ms. Cory welcomed the new Board Members and explained the Bureau's role in State Government. Ms. Cory gave the legislative report. She reminded the Board that proposed rules are due the third week in August and that proposed laws are due August 1. She said that the omnibus proposed rules were published in the October Administrative Bulletin. This will change the reinstatement fee to \$35.00 to be in compliance with Idaho Code 67-2614. The proposed change to Rule 335.02 to add The Code of Ethics for Backflow Assembly Testers has been submitted as pending. The proposed law change that was submitted to the Governor's Office was sent back to the Board as it dealt primarily with scope of practice issues versus public protection. The Governor's Office said that scope of practice issues should be handled by associations.

## **FINANCIAL REPORT**

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$416,804.36 as of 10/31/2015.

## **DISCIPLINE**

Mr. Nelson presented a Stipulation and Consent Order in case WWP-2015-2. Dr. Cloonan made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Lee. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in case WWP-2015-8. Mr. Lacy made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Dr. Cloonan. Motion carried.

Mr. Nelson presented a Finding of Fact, Conclusions of Law and Final Order in cases WWP-2015-3, WWP-2015-4, WWP-2015-5, and WWP-2015-6. Dr. Cloonan made a motion to approve the Final Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Shepherd. Motion carried.

## **INVESTIGATIVE REPORT**

Ms. Peel gave the investigative report, which is linked above.

## **FOR BOARD DETERMINATION**

Mr. Lee made a motion to approve the Bureau's recommendation and authorize closure in case I-WWP-2016-2. It was seconded by Dr. Cloonan. Motion carried.

Mr. Lacy made a motion to approve the Bureau's recommendation and authorize closure in case WWP-2015-9. It was seconded by Dr. Cloonan. Motion carried.

Mr. Lacy made a motion to approve the Bureau's recommendation and authorize closure in case WWP-2015-12. It was seconded by Mr. Shepherd. Motion carried.

Mr. Lacy made a motion to approve the Bureau's recommendation and authorize closure in case WWP-2015-15. It was seconded by Dr. Cloonan. Motion carried.

Mr. Lacy made a motion to approve the Bureau's recommendation and authorize closure in case WWP-2016-1. It was seconded by Mr. Shepherd. Motion carried.

## **OLD BUSINESS**

To Do List – The Board reviewed the to do list and no action was taken. The subcommittee updated the Board regarding the meeting on November 3, 2015 concerning the recruitment of operators. Idaho Rural Water will continue to work with the Idaho Association of General Contractors, Professional Technical Education and the Department of Labor and will follow up with the Board as necessary.

Association of Boards of Certification Conference (ABC Conference) – Mr. Anderson, Dr. Cloonan and Ms. LaBonte are scheduled to attend. Ms. LaBonte will register the three attendees for the conference. Each attendee will make their own hotel and airline reservation. Mr. Lee has offered to be a backup attendee if Mr. Anderson cannot attend.

## **PROCESSES AND PROCEDURES**

Ms. LaBonte asked for clarification on the following processes and procedures:

- Employer/Owner experience affidavit vs. written explanations - The Board provided clarification in regard to various processes and procedures. It is preferred, by the Board, that any experience as an operator is documented on a signed, notarized affidavit. However, due to the limited space to record experience, it is deemed appropriate that the supervisor/owner which signed the affidavit may also include a written explanation if more space is needed. A footnote explaining this change has been added to the employer affidavits; this change was approved by the Board.
- New subcommittee to review Continuing Education Course Applications - The new Continuing Education Subcommittee will consist of Mr. Lee and Mr. Shepherd for Drinking Water Courses and Mr. Lacy and Mr. Messier for Wastewater Courses. For courses seeking approval for Drinking Water and Wastewater, Mr. Lacy and Mr. Lee will review.
- Endorsement from California - Mr. Burnell asked that discussion regarding endorsement from California be tabled for later in the meeting.

## **EXECUTIVE SESSION**

Mr. Lee made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Shepherd. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Lacy, aye; Mr. Shepherd, aye; and Mr. Messier, aye. Motion carried.

Dr. Cloonan made a motion to come out of executive session. It was seconded by Mr. Lee. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Lacy, aye; Mr. Shepherd, aye; and Mr. Messier, aye. Motion carried.

Mr. Lacy made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Shepherd. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Lacy, aye; Mr. Shepherd, aye; and Mr. Messier, aye. Motion carried.

Mr. Lacy made a motion to come out of executive session. It was seconded by Dr. Cloonan. The vote was: Mr. Burnell, aye; Dr. Cloonan, aye; Mr. Lee, aye; Mr. Lacy, aye; Mr. Shepherd, aye; and Mr. Messier, aye. Motion carried.

## **APPLICATIONS**

Mr. Shepherd made a motion to approve 33 applications for licensure; to approve 82 applications for exam; to deny 5 applications; and to hold 9 applications pending more information. It was seconded by Dr. Cloonan. Motion carried.

### **Approved for Licensure**

BENNETT DON	WWT1-20751
BETTERLEY GUSTAV	WWT1-20704
BLOUGH BENJAMIN DALEE	WWT1-20765
BOURGEOIS CODY P	WWC1-20697
BRYANT STUART JOHN	DWT2-20577
COLES CHASE L	DWD1-20722
CREAGER GATLIN BAILEY	WWT1-20699
DEYOUNG TRENTON ANDREW	WWC1-20696
JAMES GEORGE RUSSELL	DWDOIT-20690
JOLLEY JACKSON REECE	BAT-20580
KAUVAKA DANIEL LIKITONI	DWD1-20726
KENDRICK GEORGE ALLEN	DWD4-20692
KIMPTON JEREMY RAY	WWT1-20798
KOWNY DANIEL C	WWT1-20718
KUNDRICK KIRK	WWT1-20823
KUNDRICK KIRK	WWC1-20822
MAHR JONNATHAN JAY	WWT1-20698
NEY PETER A	WWT1-20860
OLSEN RENEE	WWT3-20645
PALMER THOMAS A	WWT1-20775
PUENTE JUAN	WWC1-20820
ROSE KYLE THOMAS	WWT1-20717
SAXBERG TODD	WWT4-20782
SCHAFF DEVIN STORM	WWC1-20791
SHEPPARD DENNIS SHANE	DWD3-20760
TOLLE MICHAEL ALLAN	WWT1-20716
VAIL BRIAN LYNN	DWD1-20727

WADE MICHAEL L	DWT1-20838
WEBB JARED D	DWD1-20851
WHITMORE ANTHONY	WWC2-20762
WHITMORE ANTHONY	WWT3-20761
WILLIAMS JAMES	DWD1-20703
WILLIAMS RICHARD	WWT2-20707

Approved for Exam

ASHBY ANTHONY PAUL	WWT2
CARROLL JAMES	DWDVSWS
GLOS KURT M	WWT2
ALLEN DAVID J	WWC1
ALVAREZ ALFRED	WWT2
AULBACH RAY HOWARD	WWL2
AUSTIN MARK A	WWC1
BARNES CHARLES A	WWC1
BENNETT DON	WWC2
BRIGGS JOHN B	DWDVSWS
BRIGGS JOHN B	WWVSS
BROWN JON MARC	WWC3
BUFFALOE ERIC WAYNE	WWT3
BURNETT JAMES VIRGIL	DWTOIT
CASTLEBERRY II DARRELL W	WWC4
CEGNAR CAMILLE	DWT4
DAVILA MATTHEW RENE	DWD2
DAVIS CAMERON LEE	WWT1
DAY RYAN G	DWD2
DEYOUNG CLINTON A	DWD4
DEYOUNG TRENTON ANDREW	WWT1
DUNCAN JAMES R	DWDVSWS
FORD ROBERT L	DWD4
GARCIA ALBERT J	DWT2
GARLAND DANIEL EDWARD	DWD1
GLIDEWELL RYAN	WWT1
GLIDEWELL RYAN	WWC1
HAGLER MATTHEW LAMAR	WWT2
HARTLEY CHARDON	DWD1
HARVEY KENNETH JAY	WWC2
HATHAWAY EVAN ZANE	DWDVSWS
HAVLIN IAN LEE	WWT1
HILLIARD ROBERT JOHN	WWT1
HOLT BRENTON	WWC1
HOWE DALE ORY	DWT1
HOWELL JEREMY J	WWTL
HUNTER TODD A	DWD1
IRBY JAY THOMAS	WWT3
JACOBSON ARLYNN BLAIR	DWD1
JENNINGS ADAM SCOTT	WWC4
JOHNSON JUSTIN	WWC1

JORDE RONALD MICHAEL	WWT3
KIMPTON JEREMY RAY	WWTLA
KOFFER DAVID	DWDVSWS
KOVISTO ANDREW PATRICK	DWT3
LAWRENCE RYAN	WWT1
LAYTON KEVIN	WWTOIT
LEDBETTER RICHARD	WWC1
LENZ CONNOR	WWTLA
LIND FARRIS SHANE	DWD2
LOUGHMILLER JOSE M	DWDOIT
LYON JAMES	DWDVSWS
MILLER THOMAS	DWT1
MILLER THOMAS	WWTL
O KRAKEL HANK W	DWD3
ORME ROBERT NATHAN	DWD1
OYARZABAL WILLIAM JOSEPH	DWD2
PENA JUAN BALDERAZ	DWT1
PENA JUAN BALDERAZ	WWT1
PEREZ JESTON	WWC2
PETERSON DUSTIN D	DWD2
POELSTRA GARRETT A	DWD2
POLLOCK BRENNAN JAMES	DWDOIT
QUEZADA EFRAN	WWC1
RICE LYNDON P	DWT4
RODRIGUEZ VINCENT JAMES	WWT2
SCHLAPIA RICK C	DWD3
SHURTZ RETT J	WWC1
SIFFORD PAUL D	WWC1
SLYTER JAKE LEON	DWT1
STOLTENBURG RICHARD THOMAS	DWT2
STRICKLIN RICK F	DWD1
STUART CORY W	WWC2
SUTTON CALEB A	DWD1
SWANSON WAYNE EDWARD	DWT1
TATE ADAM	WWT4
TOWNSEND MATTHEW W	WWT3
TUCKETT VAN E	DWD3
VANHOUTEN ANDREW L	WWT1
WADE MICHAEL L	WWTLA
WELKER MARK R	WWT1
WILLIAMS ANDREW	DWDVSWS

Denied

BAUER RICHARD WAYNE  
GOSS WILLIAM RUSSELL  
MADDEN PAUL  
QUINTERO STEPHEN ALFONSO  
WIGHT BRIAN C

Pending

901113193  
901066162  
901122320  
901120978  
901119691  
901132702  
901095211  
901116338  
901051060

It was seconded by Mr. Lee. Motion carried.

Discussion regarding endorsement from California was held. Mr. Burnell will provide a statement for the Bureau to use when speaking to potential applicants via phone or email as well as a more detailed explanation to use in written correspondence following review of an application.

**NEXT MEETING** is scheduled for Wednesday, February 3, 2016.

**ADJOURNMENT**

Mr. Lee made a motion to adjourn the meeting at 1:20 PM. It was seconded by Mr. Shepherd. Motion carried.

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Barry N. Burnell, Chair

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Dr. Joan M. Cloonan

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Brad Don Anderson

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John R. Lee

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Bryan A. Lacy

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Michael W. Shepherd

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Daniel J. Messier

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Tana Cory, Bureau Chief